



General Assembly

January Session, 2007

Bill No. 7087

LCO No. 4046

04046_____

Referred to Committee on General Law

Introduced by:

REP. CAFERO, 142nd Dist.

SEN. DELUCA, 32nd Dist.

AN ACT CONCERNING METHAMPHETAMINES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-240 of the general statutes is amended by
2 adding subdivision (59) as follows (*Effective October 1, 2007*):

3 (NEW) (59) "Methamphetamine-type substances" means
4 methamphetamine and structural analogues, including, but not limited
5 to, methylenedioxymethamphetamine (MDMA) and other substituted
6 phenylethylamine compounds, their salts, isomers and salts of isomers
7 and chemical compounds which are similar thereto in chemical
8 structure or which are similar thereto in physiological effect, and
9 which show a like potential for abuse or which are controlled
10 substances under this chapter, unless modified.

11 Sec. 2. Section 21a-277 of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective October 1, 2007*):

13 (a) Any person who manufactures, distributes, sells, prescribes,
14 dispenses, compounds, transports with the intent to sell or dispense,

15 possesses with the intent to sell or dispense, offers, gives or
16 administers to another person any controlled substance which is (1) a
17 hallucinogenic substance other than marijuana, [or] (2) a narcotic
18 substance, or (3) a methamphetamine-type substance, except as
19 authorized in this chapter, for a first offense, shall be imprisoned not
20 more than fifteen years and may be fined not more than fifty thousand
21 dollars or be both fined and imprisoned; and for a second offense shall
22 be imprisoned not more than thirty years and may be fined not more
23 than one hundred thousand dollars, or be both fined and imprisoned;
24 and for each subsequent offense, shall be imprisoned not more than
25 thirty years and may be fined not more than two hundred fifty
26 thousand dollars, or be both fined and imprisoned.

27 (b) Any person who manufactures, distributes, sells, prescribes,
28 dispenses, compounds, transports with intent to sell or dispense,
29 possesses with intent to sell or dispense, offers, gives or administers to
30 another person (1) any controlled substance, except a narcotic
31 substance, [or] (2) a hallucinogenic substance other than marijuana, or
32 (3) a methamphetamine-type substance, except as authorized in this
33 chapter, may, for the first offense, be fined not more than twenty-five
34 thousand dollars or be imprisoned not more than seven years or be
35 both fined and imprisoned; and, for each subsequent offense, may be
36 fined not more than one hundred thousand dollars or be imprisoned
37 not more than fifteen years, or be both fined and imprisoned.

38 (c) No person shall knowingly possess drug paraphernalia in a drug
39 factory situation, as defined by subdivision (20) of section 21a-240, for
40 the unlawful mixing, compounding or otherwise preparing any
41 controlled substance for purposes of violation of this chapter. Any
42 person who violates the provisions of this subsection may, for the first
43 offense, be fined not more than one thousand dollars or be imprisoned
44 not more than two years, or be both fined and imprisoned, except that
45 if such drug paraphernalia is for the unlawful mixing, compounding
46 or otherwise preparing a methamphetamine-type substance, such
47 person may be fined not more than five thousand dollars or be

48 imprisoned not more than five years, or be both fined and imprisoned.
49 Any person who violates the provisions of this subsection may, for a
50 subsequent offense, be fined not more than ten thousand dollars or be
51 imprisoned not more than ten years, or be both fined and imprisoned.

52 (d) As an alternative to the sentences specified in subsections (a)
53 and (b) of this section, the court may sentence the person to the
54 custody of the Commissioner of Correction for an indeterminate term
55 not to exceed three years or the maximum term specified for the
56 offense, whichever is the lesser, and, at any time within such
57 indeterminate term and without regard to any other provision of law
58 regarding minimum term of confinement, the Commissioner of
59 Correction may release the convicted person so sentenced subject to
60 such conditions as he may impose including, but not limited to,
61 supervision by suitable authority. At any time during such
62 indeterminate term, the Commissioner of Correction may revoke any
63 such conditional release in his discretion for violation of the conditions
64 imposed and return the convicted person to a correctional institution.

65 Sec. 3. Subsection (a) of section 21a-278 of the general statutes is
66 repealed and the following is substituted in lieu thereof (*Effective*
67 *October 1, 2007*):

68 (a) Any person who manufactures, distributes, sells, prescribes,
69 dispenses, compounds, transports with the intent to sell or dispense,
70 possesses with the intent to sell or dispense, offers, gives or
71 administers to another person one or more preparations, compounds,
72 mixtures or substances containing an aggregate weight of one ounce or
73 more of heroin or methadone or an aggregate weight of one-half ounce
74 or more of cocaine or one-half ounce or more of cocaine in a free-base
75 form, or an aggregate weight of fifty grams or more of
76 methamphetamine or fifty grams or more of a mixture or substance
77 containing a detectable amount of methamphetamine-type substance,
78 or a substance containing five milligrams or more of lysergic acid
79 diethylamide, except as authorized in this chapter, and who is not, at

80 the time of such action, a drug-dependent person, shall be imprisoned
81 for a minimum term of not less than five years or more than twenty
82 years; and, a maximum term of life imprisonment. The execution of the
83 mandatory minimum sentence imposed by the provisions of this
84 subsection shall not be suspended, except the court may suspend the
85 execution of such mandatory minimum sentence if at the time of the
86 commission of the offense (1) such person was under the age of
87 eighteen years, or (2) such person's mental capacity was significantly
88 impaired, but not so impaired as to constitute a defense to prosecution.

89 Sec. 4. Subsection (b) of section 21a-267 of the general statutes is
90 repealed and the following is substituted in lieu thereof (*Effective*
91 *October 1, 2007*):

92 (b) No person shall deliver, possess with intent to deliver or
93 manufacture with intent to deliver drug paraphernalia knowing, or
94 under circumstances where one reasonably should know, that it will
95 be used to plant, propagate, cultivate, grow, harvest, manufacture,
96 compound, convert, produce, process, prepare, test, analyze, pack,
97 repack, store, contain or conceal, or to ingest, inhale or otherwise
98 introduce into the human body, any controlled substance. Any person
99 who violates any provision of this subsection shall be guilty of a class
100 [A misdemeanor] D felony.

101 Sec. 5. (NEW) (*Effective October 1, 2007*) (a) There is established an
102 account to be known as the "methamphetamine laboratory clean-up
103 account" which shall be a separate nonlapsing account within the
104 General Fund. The account may contain any moneys required by law
105 to be deposited in the account. Any balance remaining in the account
106 at the end of any fiscal year shall be carried forward in the account for
107 the next fiscal year. All moneys deposited in the account shall be used
108 for the purposes of this section.

109 (b) The court, when sentencing a defendant convicted of an offense
110 involving the manufacture of a methamphetamine-type substance, as
111 defined in section 21a-240 of the general statutes, as amended by this

112 act, shall order the defendant to reimburse the state for the costs
113 incurred for any clean-up associated with the manufacture of such
114 methamphetamine-type substance by the defendant.

115 (c) All moneys reimbursed to the state pursuant to subsection (b) of
116 this section shall be deposited in the methamphetamine laboratory
117 clean-up account established in subsection (a) of this section. The
118 Commissioner of Environmental Protection shall have the authority to
119 authorize expenditures from said account to reimburse any state or
120 municipal agency for costs associated with cleaning to proper
121 environmental standards any site where a methamphetamine-type
122 substance was manufactured.

123 Sec. 6. Section 21a-243 of the general statutes is amended by adding
124 subsection (h) as follows (*Effective October 1, 2007*):

125 (NEW) (h) (1) Any person who sells or offers for sale at retail any
126 drug product or combination of drug products containing ephedrine,
127 pseudoephedrine or phenylpropanolamine, or their salts, isomers or
128 salts of isomers, shall: (A) Store such drug product or combination of
129 drug products in a location that is inaccessible to consumers, and (B)
130 require consumers to request and purchase such drug product or
131 combination of drug products at the counter.

132 (2) A person who sells or offers for sale at retail any drug product or
133 combination of drug products pursuant to subdivision (1) of this
134 subsection shall maintain a log book. The log book shall contain: (A)
135 The signature of the purchaser of the product, (B) the name of the
136 purchaser of the product, (C) the address of the purchaser of the
137 product, (D) the date of the purchase, (E) the time of purchase, and (F)
138 the name of the seller. The seller shall maintain the log book for not
139 less than two years after the date the last entry is made in the log book.
140 The seller shall obtain positive identification of the purchaser to verify
141 the information in the log book.

142 (3) Each seller shall maintain a self certification that all individuals

143 who are responsible for the delivery of drug products to purchasers or
144 who deal directly with purchasers by obtaining payments for such
145 products have completed training provided by the seller to ensure
146 such individuals understand the requirements of this section.

147 (4) No person shall purchase, receive or otherwise acquire more
148 than seven and one-half grams of any drug product or combination of
149 drug products containing ephedrine, pseudoephedrine or
150 phenylpropanolamine, or their salts, isomers or salts of isomers within
151 any thirty-day period.

152 (5) Sellers of such drug products shall comply with applicable
153 federal laws and regulations.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	21a-240
Sec. 2	<i>October 1, 2007</i>	21a-277
Sec. 3	<i>October 1, 2007</i>	21a-278(a)
Sec. 4	<i>October 1, 2007</i>	21a-267(b)
Sec. 5	<i>October 1, 2007</i>	New section
Sec. 6	<i>October 1, 2007</i>	21a-243

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]